IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8711 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JIVABHAI D BHAILA

Versus

STATE OF GUJARAT

Appearance:

MR PV HATHI for Petitioners

MR BD DESAI AGP for Respondent No. 1

MR TUSHAR MEHTA for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 05/05/2000

ORAL JUDGEMENT

Heard Mr. P.V.Hathi, learned counsel for petitioners, Mr. B.D.Desai, learned Assistant Government Pleader for respondent no.1 -State and Mr. Tushar Mehta, learned counsel for respondent no.2 -APMC Kodinar.

2. Mr. Hathi, learned counsel for the petitioners submitted that the petitioners who are agriculturists growing vegetables and are businessmen selling vegetables in wholesale and in retail at Kodinar, have challenged the Notifications dated 27-3-1987 and 11-3-1988 issued under Sections 5 and 6 of the Gujarat Agricultural Produce Market Act, 1963, and also the notice dated 21-5-1990 of the Competent Officer, by filing this petition.

3. Mr. Hathi, learned counsel for the petitioner points out that some of the businessmen working as commission agents had filed a civil suit in the Court of Civil Judge (S.D.), Amreli, being Civil Suit No. 154 of 1990 seeking identical prayers, and the trial court has decreed the suit and the appeal filed against the said judgment and decree by the Market Committee -State is pending and, therefore, the Notifications and the notice challenged in this petition have not come into effect. The petitioners, therefore, seek permission to withdraw the present petition with a liberty to file a fresh petition in case of necessity.

4. In view of the aforesaid developments, the petitioner is permitted to withdraw the present petition, with a liberty to file a fresh petition in case of necessity. The petition accordingly stands disposed of as withdrawn. Rule is discharged. Ad-interim relief granted earlier stands vacated. There shall be no order as to costs in view of the aforesaid development.

Date: 5/5/2000. (M.S.SHAH, J.)
ccshah